

2612  
JPW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Toshiro Ishimura, et al.      **Examiner:** Luong Trung Nguyen  
**Serial No:** 09/817,926      **Art Unit:** 2612  
**Filed:** March 27, 2001      **Docket:** 14428  
**For:** IMAGE RECORDING APPARATUS      **Dated:** January 13, 2005  
**Conf. No.:** 3952

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO SPECIES ELECTION**

Sir:

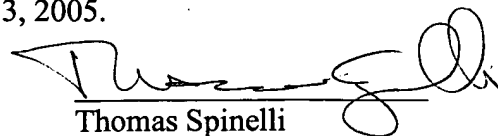
Pursuant to the election requirement imposed in the Official Action dated December 14, 2004, Applicants elect the claims of Species I, Figures 1, 2, and 4, readable on Claims 2-6, 9 and 14, 15, 17-20, 22, and 23 for continued prosecution herein along with generic Claims 1, 16, 21, and 24.

---

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 13, 2005.

Dated: January 13, 2005

  
Thomas Spinelli

Claims 1-24 are present in the above-captioned application and have been subjected to a species election under 35 U.S.C. § 121. Specifically, the Official Action avers that the following patentably distinct species of the claimed invention are present in the claims:

Species I, characterized by Figures 1-2, and 4;

Species II, characterized by Figures 5-6;

Species III, characterized by Figure 7;

Species IV, characterized by Figures 8-11C; and

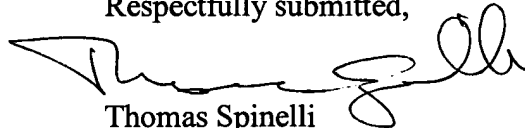
Species V, characterized by Figures 12-14E.

It is the Examiner's position that the species listed as Species I-V are patentably distinct from each other.

In response to the Examiner's requirement for species election, Applicants elect to prosecute the subject matter of Species I, which is readable on claims 2-6, 9 and 14, 15, 17-20, 22, and 23, along with generic Claims 1, 16, 21, and 24. However, Applicants reserve the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

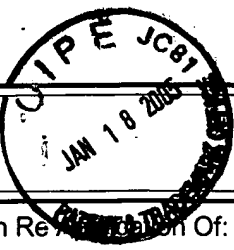
Respectfully submitted,



Thomas Spinelli

Registration No.: 39,533

Scully, Scott, Murphy & Presser  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343  
TS:cm



**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
**14428**

In Re: **Toshiro Ishimura, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
<b>09/817,926</b>	<b>March 27, 2001</b>	<b>Luong Trung Nguyen</b>	<b>23389</b>	<b>2612</b>	<b>3952</b>

Title: **IMAGE RECORDING APPARATUS**

**COMMISSIONER FOR PATENTS:**

Transmitted herewith is:

**RESPONSE TO SPECIES ELECTION**

in the above identified application.

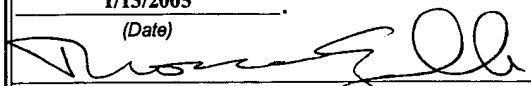
- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
\_\_\_\_\_  
*Signature*

**Thomas Spinelli  
Registration No.: 39,533**

Dated: **1/13/2005**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>1/13/2005</b> (Date)
 <i>Signature of Person Mailing Correspondence</i>
<b>Thomas Spinelli</b> <i>Typed or Printed Name of Person Mailing Correspondence</i>

CC: